



MAIL ROOM
Docket No.: TJU-1156

AUG
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1997

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#21
PATENT

B. Denny
9/5/97

the application of:

David Berd

Serial No.: 08/204,003

Group Art Unit: 1806

Filed: February 28, 1994

Examiner: S. Ungar

For: Composition and Method of Using Tumor Cells

Assistant Commissioner
For Patents
Washington, D.C. 20231

Dear Sir:

**DECLARATION OF DR. DAVID BERD
PURSUANT TO 37 C.F.R. §1.132**

I, David Berd, M.D., hereby declare that:

I am inventor of the above-identified application;

I am co-author of the abstract Murphy *et al.*, "Tumor Infiltrating T Cells in Metastatic Melanoma Induction B Immunization with Autologous, DNP-Conjugated Tumor Cells", *Lab. Investigation*, 1990 62(1)70A, hereinafter "Murphy *et al.*"

Additional co-authors of the Murphy *et al.* abstract are George F. Murphy, M.D., Antoneta Radu, Ph.D., and Michael Mastrangelo, M.D. Based on personal knowledge and information and belief, the contributions of each of these co-authors are as follows:

George F. Murphy, M.D., Professor of Dermatology, The University of Pennsylvania, was consulted on the pathology of the patient samples, reading slides of biopsy sections to characterize tumor inflammation.

Antoneta Radu, M.S., Research Technician, was an assistant of Dr. Murphy and also read slides of biopsy sections under Dr. Murphy's direction.

Dr. Michael Mastrangelo, M.D., Professor of Medicine, Thomas Jefferson University, provided patient samples and assisted in the clinical care of the patients.

I have been advised by counsel that the foregoing is a complete response to the pending claims.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

David Berd
Dr. David Berd
(signature)

8/4/97
Date